

IN RE: * IN THE CONSUMER
VIRGINIA COLLEGE, LLC * PROTECTION DIVISION
* THE OFFICE OF
* THE ATTORNEY GENERAL
* OF MARYLAND

* * * * *

ADMINISTRATIVE SUBPOENA

ISSUED TO: Virginia College, LLC
c/o John F. Kennedy, Court Appointed Receiver
James-Bates-Brannan-Groover-LLP
231 Riverside Drive
P. O. Box 4283
Macon, Georgia 31208-4283

SERVE ON: John F. Kennedy, Court Appointed Receiver
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231 Riverside Drive
P. O. Box 4283
Macon, Georgia 31208-4283

YOU ARE HEREBY COMMANDED by the authority of the State of Maryland and the Attorney General of Maryland, pursuant to the provisions of Md. Code Ann., Com. Law, 13-405(a), to produce on or before June 15, 2019, the documents described below to the attention of:

Christopher Waldt, Chief Investigator
Office of the Attorney General
Consumer Protection Division
200 St. Paul Place, 16th Floor
Baltimore, Maryland 21202.

DEFINITIONS AND INSTRUCTIONS

1. **“Document”** means the original (or duplicate, identical copies when originals are not available), and any non-identical copies (whether different from the original because of notes made on such copies or otherwise) of writings or recordings of every kind and description whether inscribed by hand or by mechanical, facsimile, electronic, magnetic, digital, microfilm, photographic or other means, as well as phonic or visual reproductions of oral statements,

conversations, and including, but not limited to, any manual, book, pamphlet, periodical, letter, report, memorandum, notation, message, telegram, cable, facsimile, record, study, working paper, accounting paper, telephone log, teletype message, chart, graph, index, tape, minutes, computer printout, contract, lease, invoice, record of purchase or sale, correspondence, electronic or other transcription of taping of telephone or personal conversations or conferences, or any and all other written, printed, typed, punched, taped, filmed or graphic matter however produced or reproduced and any electronic, mechanical, computer, e-mail, or Internet records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings, and computer and electronic memories). **“Document”** also includes the file, folder tabs and/or containers and labels appended thereto associated with each such aforesaid original and/or copy.

2. **“You” and “your”** as used herein means the person or entity to which this Administrative Subpoena is directed and includes, but is not limited to, all owners, shareholders, parent entities, affiliated entities (including but not limited to Brightwood College, Brightwood Institute, and the Virginia College online program), predecessor entities, successor entities, members, partners (general and limited), directors, franchisees, managers, employees, agents, brokers, marketers, contractors, representatives, and all other business entities or individuals acting, or purporting to act, on its behalf.

3. The term **“any”** shall be construed as synonymous with “every,” and “all” and shall be all-inclusive.

INSTRUCTIONS

1. **Documents No Longer in Possession of Respondent/Destroyed Documents:** If any responsive document was, but no longer is, in your possession, custody or control, produce a description of each such document. The description shall include the following:

- (a) the name of each author, sender, creator, and initiator of such document;
- (b) the name of each recipient, addressee, or party for whom such document was intended;
- (c) the date the document was created;
- (d) the date(s) the document was in use;
- (e) a detailed description of the content of the document;
- (f) the reason it is no longer in your possession, custody or control; and
- (g) the document’s present whereabouts.

If the document is no longer in existence, in addition to providing the information indicated above, state on whose instructions the document was destroyed or otherwise disposed of, and the date and manner of the disposal.

2. **Organization of Responses:** The documents produced shall be identified and segregated to correspond with the number and subsection of the request. Identical copies of responsive documents need not be produced. However, any copy of a document that differs in any manner, including but not limited to the presence of handwritten notations, shall be produced.

3. Electronic Documents: If any responsive document is available in electronic format, the document shall be provided in electronic format in addition to hard copy.

4. Format of Electronic Documents: Produce electronic documents in a single page Tagged Image File Format (TIFF) with associated OCR text, together with industry standard Concordance load files and associated files including, but not limited to, all dat., opt., txt., and tiff files. Preserve all metadata in the documents that are produced. To the extent available, produce all data in an Excel format, otherwise as a Comma Separated Value text file with a txt. or csv. extension. Provide Microsoft Outlook files as PST files. All documents should also be produced in their native format with reference to any associated document ID. Such electronic records or data should be provided on generally supported storage media, including CD-readable disks and DVD-ROMs.

5. Language: Produce the requested documents in all languages in which they are or were made available to consumers.

6. Privileged Documents: If any responsive document is withheld under any claim of privilege, provide a detailed privilege log that contains at least the following information for each document that you have withheld:

- (a) the name of each author, writer, sender, creator, or initiator of such document;
- (b) the name of each recipient, addressee, or party for whom such document was intended;
- (c) the date of such document, or an estimate thereof if no date appears on the document;
- (d) the general subject matter of the document; and
- (e) the claimed grounds for withholding the document, including but not limited to, the nature of any claimed privilege and grounds in support thereof.

7. Duty to Supplement: All document requests are continuing in nature so as to require supplementary documents if you obtain further responsive documents.

8. Duty to Preserve Documents: All documents and/or other data which relate to the subject matter or requests of this administrative subpoena must be preserved. Any destruction involving such documents must cease, even if it is your normal or routine course of business to delete or destroy such documents or data and even if you believe such documents or data are privileged or otherwise need not be produced.

9. Relevant Time Period: Unless otherwise noted or inclusive dates are requested, the relevant time period for which documents are requested is from January 1, 2010 to the present. In each instance in which a document is produced in response to a request, the current edition should be produced together with all earlier editions, or predecessor documents during the relevant time period, even though the title of earlier documents may differ from current versions.

DOCUMENTS TO BE PRODUCED

1. All documents that show your legal identity and organization, including, but not limited to, all articles of organization, articles of amendment, articles of reinstatement, and operating agreements.

2. All documents that show any trade name under which you have done business.

3. All documents showing the names, titles, responsibilities, inclusive dates of employment, addresses, email address, and phone numbers of your owners, directors, members and officers. In lieu of providing the actual documents, you may provide a list that contains the names, titles, responsibilities, inclusive dates of employment, addresses, email addresses, and phone numbers of each person.

4. All documents showing the names, titles, responsibilities, inclusive dates of employment, addresses, email address, and phone numbers of your current and former agents, employees and contractors who worked in Maryland or who interacted with Maryland consumers, including but not limited to any individual you have employed or contracted with to teach any course or program. In lieu of providing the actual documents, you may provide a list that contains the names, titles, responsibilities, inclusive dates of employment, addresses, email addresses, and phone numbers of each person.

5. All documents that show each entity in which you have and/or had an ownership interest or authority to control. In lieu of providing the actual documents you may provide a list containing the names of the entities and a description of the nature and extent of the ownership interest.

6. All documents that show each entity or person that has and/or had an ownership interest in you or authority to control you. In lieu of providing the actual documents you may

provide a list containing the names of the entities and a description of the nature and extent of the ownership interest.

7. Documents sufficient to identify each course or program offered by you to a Maryland consumer and the inclusive dates during which each course was offered. In lieu of providing the actual documents, you may provide a list containing the course titles and the inclusive dates each course was offered.

8. All notices, catalogs, statements, or other descriptions of the courses and programs offered to Maryland consumers, including, but not limited to all documents mentioning accreditation, the quality of the education, and career development services for graduates.

9. All documents relating to your marketing, advertising and promoting of any courses or programs you offered to Maryland consumers including, but not limited to, all versions of any direct mail solicitations, advertisements, recordings, scripts, website postings, digital advertising, and email announcements or solicitations.

10. All documents relating to your marketing, advertising or promoting to specific demographics, races, individuals of specific income levels, or individuals of specific marital status, including but not limited to African Americans and single parents.

11. All documents, including but not limited to email communications, related to the informing of Maryland consumers that you would provide or pay for background checks, immunizations, drug tests, CPR certification, certification exams, and certification exam preparation.

12. All documents, including but not limited to email communications, related to you providing or paying for background checks, immunizations, drug tests, CPR certification, certification exams, and certification exam preparation.

13. A blank version of the enrollment agreement you have used in connection with the offer or sale of any courses or programs to Maryland consumers.

14. All documents that contain the name, address, and telephone number of any Maryland consumer who has attended any program offered by you, as well as the titles of the program each Maryland consumer attended, the dates they attended, and whether the consumer completed the program. In lieu of providing the actual documents you may provide an electronic database or list containing the names, addresses, and telephone numbers of each consumers, as well as the titles of each of the courses attended and the dates of attendance.

15 All invoices, data (including electronic data if available), spreadsheets, account summaries, accounting statements and other records concerning the payments billed or invoiced by you to Maryland consumers and payments received by you directly or indirectly from Maryland consumers for any courses or programs offered by you. In lieu of providing the actual documents you may provide an electronic database or list containing the names of each consumer, the total amount of money billed or invoiced by you, the total amount of money directly or indirectly received by you, a breakdown of the amount of money paid in cash by the consumer, and the amount of outstanding balance that the consumer owes to you.

16. All documents, including but not limited to email communications, that reflect any accreditation or approval from the State of Maryland, the Maryland Higher Education Commission, or any Maryland occupational board of any courses or programs you have offered.

17. All documents, including but not limited to email communications, that relate to any accreditation, approval, request for accreditation, or request for approval from any accreditor for any courses or programs you have offered to Maryland consumers.

18 All documents, including but not limited to email communications, that relate to

the statement made in the Brightwood College catalog attached as Exhibit A that Brightwood College was “currently on schedule to be accepted” for accreditation by the Accrediting Council for Continuing Education and Training (“ACCET”).

19. All documents, including but not limited to email communications, that relate to the statements made in the Brightwood College catalog attached as Exhibit A that Brightwood College “offers career development services to all eligible graduates” and that Brightwood College’s “Career Development Department will assist students in their job search”, including but not limited to, the names of all individuals who provided career development services to Maryland consumers, the names of all Maryland graduates who sought career development services, the names of all Maryland graduates who obtained career development services, whether career development services are still available for Maryland graduates, and, if not, the date development services ceased to be available for Maryland graduates.

20. All documents, including but not limited to email communications, that relate to the statement made in the Brightwood College catalog attached as Exhibit A that “[s]tudents have the right to a quality education. This right includes quality programs; appropriate instructional methodologies and content; instructors who have sufficient educational qualifications and practical expertise in the areas of instruction; the availability of adequate materials, resources, and facilities to promote the practice and application of theory; and an environment that stimulates creativity in learning as well as personal and professional growth.”

21. All documents, including but not limited to email communications, related to the Gainful Employment Rule (34 C.F.R. 668 Subpart Q), including but not limited to failure or “in the zone” rankings for any of your programs.

22. All documents, including but not limited to email communications, sent or

provided to a Maryland consumer relating to the closure of any of your Brightwood College or Brightwood Institute campuses, including but not limited to all communications providing Maryland consumers with their option to obtain a discharge of federal student loans, their option to transfer to New England College of Business and Technology, and all teach-out options that were arranged.

23. All documents relating to the closure any of your Brightwood College or Brightwood Institute campuses, including but not limited to all internal communications, all communications with the U.S. Department of Education relating to students' option to obtain a discharge of federal student loans, and all communications relating to the arranging of teach-out options for students.

24. All documents, including but not limited to email communications, sent or provided to a Maryland consumer relating to the closure of the Virginia College's online programs and campus, including but not limited to all communications providing Maryland consumers with their option to obtain a discharge of federal student loans, their option to transfer to New England College of Business and Technology, and all teach-out options that were arranged.

25. All documents relating to the closure of Virginia College's online programs and campus, including but not limited to all internal communications, all communications with the U.S. Department of Education relating to students' option to obtain a discharge of federal student loans, and all communications relating to the arranging of teach-out options for students.

26. All manuals, training materials, guidelines, memoranda, statements, email communications, and other documents used to train your employees or contractors who worked in any program that enrolled Maryland consumers.

27. All documents that refer or relate to any investigation of you by any judicial, administrative, government or law enforcement agency.

28. All correspondence, memoranda, statements, recordings, transcripts, and other documents, referring or relating to any complaints received by you from any Maryland consumer.

29. All correspondence, memoranda, statements, recordings, transcripts, and other documents, referring or relating to your response to any complaints received by you from a Maryland consumer.

CONSUMER PROTECTION DIVISION

Date: 5/10/19

By: William D. Gruhn
William D. Gruhn
Chief